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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,697	05/09/2007	Martin Keppler	095309.58136US	4511

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EXAMINER

OLSON, JASON C

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,697	KEPPLER ET AL.	
	Examiner	Art Unit	
	JASON C. OLSON	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to because in Figure 1, descriptive labels are omitted and the reference numbers are unclear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 24-26 are objected to because of the following reasons: The preamble of the claims recite "The method as claimed in claim 17" however, it should read, "The method as claimed in claim 23". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (U.S. Pat. 7,254,096).

Regarding claim 7, Watanabe teaches an information system in a vehicle (see figure 3, in-car information processor 1) the information system comprising: a storage medium for storing data (see col. 6, ln. 7; an optical disk); a drive device for driving the storage medium (see col. 6, ln. 4-6 and figure 3, secondary storage section 19); and a control device (see figure 3, CPU 22 and corresponding description) configured to control the drive device at two or more different speeds including a first speed and a second speed, wherein the first speed is higher than the second speed (see col. 6, ln. 9-14); wherein the control device is configured: to determine a standstill state of the vehicle using sensor data (see col. 8, ln. 13-23); and to control the drive device at the first speed if the vehicle is at a standstill (see col. 8, ln. 23-28).

In the present embodiment of Watanabe, the optical disk of the secondary storage section 19 is utilized for reproducing data to be recorded in the recording secondary storage section 18, which is a high capacity storage means, such as a hard disk drive, capable of recording and reproducing data (see col. 5, ln. 62-65). Furthermore, Watanabe discloses copying data from a hard disk drive to an optical disk, where the speed of the optical disk is controlled according to need (see col. 1, ln. 23-33). Therefore it is obvious to an artisan in the art that the control device

(CPU 22) can be configured to reproduce data from hard disk drive 18 and store data on the optical disk storage medium by driving the drive device 19 at different speeds based on a current state of the vehicle.

Regarding claim 8, Watanabe teaches the control device is configured to determine a movement state of the vehicle using the sensor data and to control the drive device at the second speed if the vehicle is moving (see col. 8, ln. 28-33).

Regarding claim 9, Watanabe teaches wherein the information system comprises a navigation system (see col. 4, ln. 28-31 and col. 5, ln. 40-43) and the data comprises map data (see col. 5, ln. 65-67 and col. 7, ln. 4-11).

Regarding claim 10, the sensor data comprises speed data, selector lever setting data or handbrake setting data (see col. 5, ln. 43-54 and col. 10, ln. 30-34).

Regarding claim 11, Watanabe teaches wherein the information system is configured to receive the sensor data via a data bus (see col. 5, ln. 46-50 and figure 3; the sensor section 16 is connected to via terminal 10, which is a data bus).

Regarding claim 12, Watanabe teaches the control device is configured to determine the speed of the vehicle using the sensor data (see col. 5, ln. 43-54) and to control the drive device as a function of the speed of the vehicle at third and fourth speeds which are different from one another (see 7, ln. 34-col. 8, ln. 12; a third and fourth speed is realized as the velocity of the disk increases or decreases when changing from a first speed to a second speed or from a second speed to a first speed). Watanabe further discloses that the speed of the optical disk may be changed to more than three stages depending on a sensor input, such as vibrations (see col. 10, ln. 54-58). It is obvious to an artisan in the art that as vehicle speed increases, so does vibrations.

Art Unit: 2627

Since Watanabe discloses detecting the vehicle speed by generating a vehicle speed pulse synchronized with the revolutions of the wheels (see col. 9, ln. 1-4) it is obvious to an artisan in the art that the speed of the optical disk can be changed to more than three stages based on the sensor input of detected speed. Furthermore, since the general conditions of the claim are disclosed by Watanabe, optimizing the speed of the drive device as a function of the velocity of the vehicle involves only routine skill in the art, and is therefore obvious. See *In re Aller*, 105 USPQ 233.

Regarding claims 13-22: claims 13-22 have limitations similar to those treated in the above rejection(s), and are met by the references as discussed above.

Regarding claims 23-26: method claims 23-26 are drawn to the method of using the corresponding apparatus claimed in claims 7, 8, 11, and 12. Therefore method claims 23-26 correspond to apparatus claims 7, 8, 11, and 12 and are rejected for the same reasons of obviousness as used above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON C. OLSON whose telephone number is (571)272-7560. The examiner can normally be reached on Monday thru Thursday 7:30-5:30; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason C Olson/
Primary Examiner, Art Unit 2627